

UNITED STATES DISTRICT COURT

FILED

for the
Southern District of Texas

NOV 30 2018

David J. Bradley, Clerk of Court

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)Samsung Cellular Phone
Serial# R58K7304E1Y
Model# SM-J120M/DS

Case No. B-18-MJ-1091

1:18-CR-1024

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

located in the Southern District of Texas, there is now concealed (identify the person or describe the property to be seized):

A cellular phone located at the United States Weslaco Border Patrol Station at 1501 E. US-83, Weslaco, TX 78599.
The cellular phone is described as Samsung / Serial# R58K730, Model# SM-J120M/DS

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section
8 U.S.C. § 1324Offense Description
Conspiracy to harbor aliens within the United States

The application is based on these facts:

See attached Affidavit

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Sworn to before me and signed in my presence.

Date: November 30, 2018

City and state: Brownsville, Texas

Applicant's signature

Jesus M. Ramirez, Border Patrol Agent

Printed name and title

Judge's signature

Ignacio Torteya III, U.S. Magistrate Judge

Printed name and title

United States District Court
Southern District of Texas
FILED

**In the Matter of the Search of a
Samsung Cellular Phone,
Serial# R58K7304E1Y
Model# SM-J120M/DS**

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Criminal No. B-18-1091-MJ

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**Currently Located at the
United States Border Patrol
Weslaco Border Patrol Station
1501 E Expressway 83
Weslaco, TX 78599**

David J. Bradley, Clerk of Court

I, Jesus M. Ramirez, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application under Fed. R. Crim. P. 41 for a warrant to search a SAMSUNG Cellular Phone (hereinafter "Device") Serial# R58K7304E1Y, which is currently stored, in law-enforcement possession, at the United States (US) Border Patrol (BP) Weslaco Border Patrol Station, 1501 E Expressway 83, Weslaco, Texas 78599.

2. In my training and experience, I know that the Device has been stored in a manner in which its contents are, to the extent material to this investigation, in substantially the same state as they were when the Device first came into the possession agents.

3. The Device is currently in the lawful possession of BP as a result of a seizure incident to arrest. I seek this warrant to be certain that a search of the device will comply with the Fourth Amendment and other applicable laws.

4. I am an Agent with BP assigned to the Prosecutions East Office in Brownsville, Texas. I have served as a BP Agent since March 20 of 2008 and have been assigned to the Prosecutions Office since November 13 of 2018. I am a law enforcement officer of the U.S., within the meaning of 18 U.S.C. § 2510(7), who is empowered to conduct investigations of, and to make arrests for, offenses enumerated in 18 U.S.C. § 2516. I am classified, trained, and

employed as a federal law enforcement officer with statutory arrest authority charged with conducting criminal investigations of alleged violations of federal criminal statutes.

5. During my career, I have been a part of numerous arrests linked to harboring and transporting of undocumented aliens. Through these arrests, along with my training and experience and conversations with other agents and law-enforcement personnel, I have become familiar with the methods used by human smugglers to smuggle and safeguard undocumented aliens and to thwart or evade investigations of their trafficking organizations. One of the tactics frequently used by these organizations is the consistent use of cellular telephones and text messages along with other applications with text and photo messaging. I am aware that members of these organizations often store co-conspirators' telephone numbers in the telephone memory and communicate using code names through cellular telephones and their radio transmitters to facilitate transactions and to conceal their identities.

6. This affidavit is being submitted for the limited purpose of establishing probable cause to secure a search warrant for the Device. As such, not all facts known to me or other agents concerning this investigation have been included. This affidavit was approved for filing by an Assistant U.S. Attorney.

PROBABLE CAUSE

7. On November 14, 2018, Special Operations Detachment Intel Agents, were conducting surveillance at a location in Edinburg, Texas, based on a report of alien smuggling at said location. At approximately 07:00 a.m., agents observed an individual sleeping in a black GMC Sierra.

8. At this point, Edinburg Police Department and Rio Grande Valley Special Operations Detachment Intel coordinated and conducted a welfare check on the target location in Edinburg, Texas. Upon arriving to the address at approximately 7:30 a.m., a knock and talk was performed. Contact was made with a male subject who was asleep in a black GMC Sierra. The subject was later identified as Maximino MORALEZ-Quiroz. MORALEZ-Quiroz gave written consent for Law Enforcement to enter the property and also provided the house keys. Upon making entry to the small home, 28 subjects were encountered, after a brief interview as to their citizenship, it was determined that 27 subjects were in the United States illegally. Two

cell phones were located in the black in color GMC Sierra; a black in color LG model# LM-Q710MS was claimed by MORALES-Quiroz as his personal cell phone. The second phone was a pink in color Samsung model# SM-J120M/DS, Serial#: R58K7304E1Y. MORALES-Quiroz denied ownership of the Device.

9. Device was seized as abandoned property for further investigation relevant to the smuggling incident. Additionally, it is known that members of these organizations often store co-conspirators' telephone numbers in the telephone memory and communicate using code names to facilitate the smuggling coordination.

10. Three of the 27 subjects found in the house identified MORALES-Quiroz as the caretaker. Each stated MORALES-Quiroz provided food and instructions to them while they were harbored at the location.

ELECTRONIC DEVICES AND STORAGE

11. As described herein and in Attachment B, this application seeks permission to search and seize things that the Device might contain, in whatever form they are stored. Based on my knowledge, training, and experience, I know that electronic devices can store information for long periods of time. Even when a user deletes information from a device, it can sometimes be recovered with forensics tools. Similarly, things that have been viewed via the Internet are typically stored for some period of time on the Device. This information can sometimes be recovered with forensics tools.


12. Searching for the evidence described in Attachment B may require a range of data-analysis techniques. In some cases, agents and computer analysts may be able to conduct carefully-targeted searches that can locate evidence without requiring a time-consuming manual search through unrelated materials that may be commingled with criminal evidence. In other cases, however, such techniques may not yield the evidence described in the warrant. Criminals can mislabel or hide information, encode communications to avoid using key words, attempt to delete information to evade detection, or take other steps designed to frustrate law enforcement searches for information. These steps may require agents and law enforcement or other analysts with appropriate expertise to conduct more extensive searches, such as scanning storage areas unrelated to things described in Attachment B, or perusing all stored information briefly to determine whether it falls within the scope of the warrant. In light of

these difficulties, BP Agents intend to use whatever data-analysis techniques appear necessary to locate and retrieve the evidence described in Attachment B.

CONCLUSION

13. I submit that this affidavit supports probable cause for a warrant to search the Device and seize the items described in Attachment B.

Respectfully submitted,



Jesus M. Ramirez
Border Patrol Agent-Intelligence
United States Border Patrol

Subscribed and sworn to before me

on:



HON. Ignacio Torteya III
UNITED STATES MAGISTRATE JUDGE

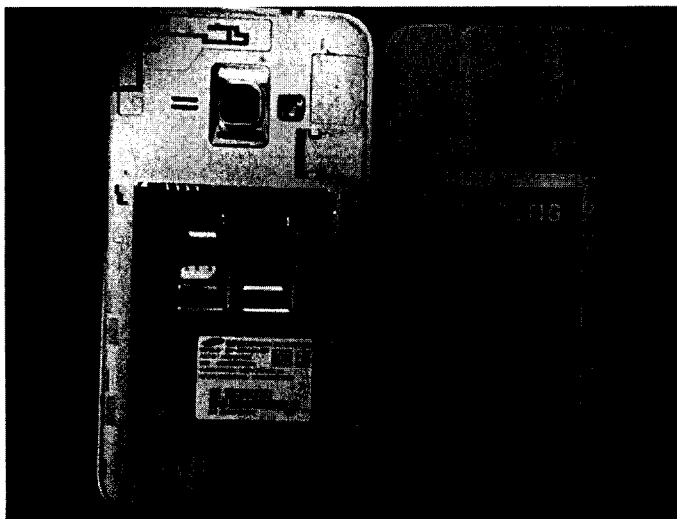
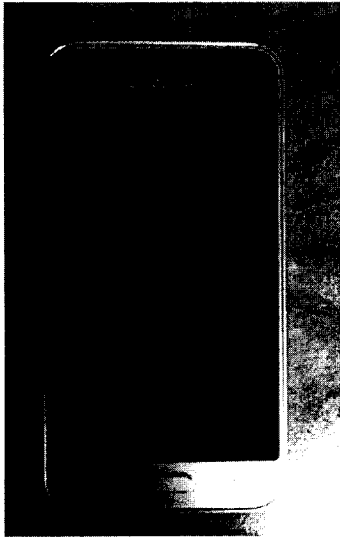
11/30/2018

ATTACHMENT A

Address: United States Border Patrol
Weslaco Border Patrol Station
1501 E Expressway 83
Weslaco, TX 78599

The property to be searched consists of one (1) cellular telephone located at the United States Border Patrol Weslaco Station, 1501 E Expressway 83, Weslaco, TX 78599. The cellular telephone to be searched is described as follows.

Samsung Cellular Telephone / Model# SM-J120M/DS / Serial# R58K7304E1Y



ATTACHMENT B

1. All records and information, contained in a Samsung Cellular Telephone Serial# R58K7304E1Y, Model# SM-J120M/DS, that involve Maximino MORALEZ-Quiroz and relate to violations of 8 U.S.C. § 1324 (harboring aliens within the United States):

- a. any information related to alien smuggling (including saved contacts, phone logs, text messages, voice mails, videos, photos, or any other saved records); and
- b. evidence of user attribution showing who used or owned the Device at the time the things described in this warrant and attachment were created, edited, or deleted, such as logs, phonebooks, saved usernames and passwords, documents, and browsing history.

2. As used above, the terms “records” and “information” include all of the foregoing items of evidence in whatever form and by whatever means they may have been created or stored (including, for example: call logs, contact lists, voicemails, and text messages), including any form of computer or electronic storage (such as flash memory or other media that can store data) and any photographic form.